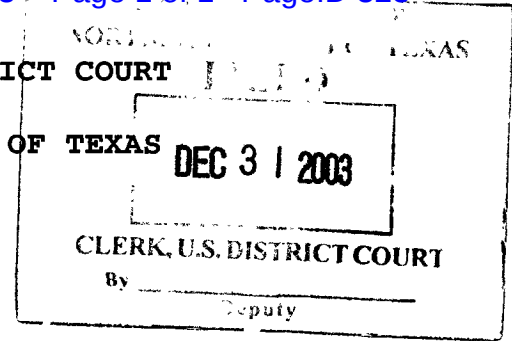


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



JAMES AVERY RUSH, IV

PLAINTIFF,

v.

NATIONAL BOARD OF MEDICAL
EXAMINERS,

DEFENDANT.

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CIVIL ACTION CAUSE NUMBER
2:03-CV-140-J


ORDER

Before the Court is Plaintiff's emergency motion, filed December 30, 2003, to compel production of documents. On December 31, 2003, the Court conducted a hearing by telephone on this motion. After consideration of the statements of counsel, in particular defense counsel's assurance that all responsive documents that have been located have already been produced, and in light of the Plaintiff's statement that Defendant's assurances resolve Plaintiff's discovery requests, the Court need not rule upon Plaintiff's emergency motion.

At the hearing defense counsel raised the additional concern that Exhibit A (a copy of Plaintiff's December 12, 2003, letter to defense counsel) to Plaintiff's emergency motion should have been but was not filed under seal pursuant to the agreed protective order entered in this case. Pursuant to the agreement of counsel on this matter, the Clerk is ordered to file that exhibit under seal.

It is SO ORDERED.

Signed this the 31st day of December, 2003.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE